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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,254	11/01/2000	Blaine Garst	19004-009002	3557
26183 7590 12/10/2009 FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER GREENE, DANIEL LAWSON				
ART UNIT 3694		PAPER NUMBER		
NOTIFICATION DATE 12/10/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary

Application No.

09/704,254

Applicant(s)

GARST ET AL.

Examiner

DANIEL L. GREENE JR.

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 84-86, 88-92 and 94-147 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 84-86, 88-92 and 94-147 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SEA-3)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. Applicants 8/14/2009 response to the previous Office action mailed 5/14/2009 has been entered and considered. An action on the merits of pending claims 84-86, 88-92 and 94-147 follows.

Response to Amendments/Arguments

2. Applicant's amendments to the claims and arguments in support thereof with respect to the 35 USC 101 rejection set forth in section 3 of said previous Office action have been fully considered and are persuasive. Accordingly, said rejection is hereby withdrawn.

3. Applicant's arguments, see pages 12-14, filed 8/14/2009, with respect to the 35 USC 103 rejections set forth in sections 6 and 7 of the previous Office action have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, new grounds of rejections are made in view of said rejections in view of US Patent 5,481,706 to Peek as set forth below.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

5. Claims 84-86, 87-92 and 94-147 are rejected under 35 U.S.C. 103(a) as being obvious over Wyman (U.S. Patent 5,204,897) in view of Applicants Admitted Prior Art (APA) for the reasons set forth in section 6 of the previous Office action mailed 5/14/2009 which in

turn refers back to section 10 of the 1/25/2007 Office action and further in view of In re Wolfe, 116 USPQ 443,444 (CCPA 1961) as set forth in section 4 of the 9/6/2007 Office action and further in view of Table C of the 1997 Census report and further in view of US Patent 5,481,706 to Peek.

The invention is disclosed as explained in previous Office actions. However, the art as cited and explained does not appear to expressly disclose the newly added limitations "the software resource including library functions...after the software resource is unlocked using a library function in the software resource."

Peek discusses software resources including library functions and unlocking resources using a library function in, for example, the Abstract, Col. 5, lines 50-60, Col. 9, lines 14-29, etc.

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Wyman as modified above to include such a feature for the purpose of preventing fraud, minimizing extensive library source modifications, etc.

6. Claims 84-86, 87-92 and 94-147 are rejected under 35 U.S.C. 103(a) as being obvious over Ross (U.S. Patent 5,553,143) in view of Applicants Admitted Prior Art (APA) for the reasons set forth in section 11 of the 1/25/2007 Office action and further in view of In re Wolfe, 116 USPQ 443, 444 (CCPA 1961) as set forth in section 4 of the 9/6/2007 Office and further in view of Table C of the 1997 Census report and further in view of US Patent 5,481,706 to Peek.

The invention is disclosed as explained in previous Office actions. However, the art as cited and explained does not appear to expressly disclose the newly added limitations “the software resource including library functions...after the software resource is unlocked using a library function in the software resource.”

Peek discusses software resources including library functions and unlocking resources using a library function in, for example, the Abstract, Col. 5, lines 50-60, Col. 9, lines 14-29, etc.

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Ross as modified above to include such a feature for the purpose of preventing fraud, minimizing extensive library source modifications, etc.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL L. GREENE JR. whose telephone number is (571)272-6876. The examiner can normally be reached on Mon-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. L. G./
Examiner, Art Unit 3694
2009-12-05

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694